

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MAY 6, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-33544 - APPLICANT/OWNER: RED CARD, LLC**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend DENIAL.

**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Truck Rental use, including parking requirements.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (Z-0110-90 and SDR-33546) shall be required, if approved.
3. No more than six rental trucks or trailers shall be parked on the subject property at any time.
4. The parking of rental trucks or trailers shall not take place within any parking space adjacent to Durango Drive or Westcliff Drive.
5. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a Truck Rental establishment on 0.87 acres at 8490 Westcliff Drive. The applicant has also submitted applications for a General Plan Amendment (GPA-33542) to change the General Plan designation from SC (Service Commercial) to GC (General Commercial), a Rezoning (ZON-33543) from C-1 (Limited Commercial) zone to C-2 (General Commercial) zone and a Major Amendment (SDR-33546) to an approved Site Development Plan Review (Z-0110-90) to eliminate required landscape and to add truck storage for a proposed Truck Rental Establishment in conjunction with an existing Convenience Store and Restaurant. The isolation of this parcel from others zoned and planned for General Commercial uses, as well as the residential nature of the surrounding neighborhood indicate that this site is not an appropriate location for the proposed use; therefore, staff recommends denial of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
11/07/90	The City Council approved a Rezoning (Z-0110-90) from N-U (Non-Urban) to C-1 (Limited Commercial) on property located at the northeast corner of Westcliff Drive and Durango Drive. The Planning Commission and staff recommended approval of this request.
06/25/91	The Planning Commission accepted a withdrawal of a Plot Plan and Building Elevation Review [Z-0110-90(1)] for a proposed Shopping Center located at the northeast corner of Westcliff Drive and Durango Drive.
04/01/92	The City Council approved a Reinstatement and Extension of Time [Z-0110-90(2)] of an approved Rezoning (Z-0110-90) from N-U (Non-Urban) to C-1 (Limited Commercial) on property located at the northeast corner of Westcliff Drive and Durango Drive. The Planning Commission and staff recommended approval of this request.
04/30/92	The City Council approved a Special Use Permit (U-0036-92) to allow the sale of beer and wine, and the sale of gasoline, in conjunction with a proposed Convenience Store, and to allow a proposed Tavern on property located at the northeast corner of Westcliff Drive and Durango Drive. The Board of Zoning Adjustment and staff recommended approval of this request.
05/19/93	The City Council approved an Extension of Time [Z-0110-90(3)] of an approved Rezoning (Z-0110-90) from N-U (Non-Urban) to C-1 (Limited Commercial) on property located at the northeast corner of Westcliff Drive and Durango Drive. The Planning Commission and staff recommended approval of this request.

06/04/93	The City Council approved an Extension of Time [U-0036-92(1)] for an approved Special Use Permit (U-0036-92) for the sale of beer and wine and the sale of gasoline, in conjunction with a proposed convenience store; and for a proposed Tavern on property located at the northeast corner of Westcliff Drive and Durango Drive. The Board of Zoning Adjustment and staff recommended approval of this request.
05/12/94	The Planning Commission approved a Plot Plan and Building Elevation Review [Z-0110-90(5)] for a temporary construction trailer to be located at the northeast corner of Westcliff Drive and Durango Drive. Staff recommended approval of this request.
05/18/94	The City Council approved an Extension of Time [Z-0110-90(4)] of an approved Rezoning (Z-0110-90) from N-U (Non-Urban) to C-1 (Limited Commercial) on property located at the northeast corner of Westcliff Drive and Durango Drive. The Planning Commission and staff recommended approval of this request.
06/09/94	The City Council approved an Extension of Time [U-0036-92(2)] for an approved Special Use Permit (U-0036-92) for the sale of beer and wine and the sale of gasoline, in conjunction with a proposed convenience store; and for a proposed Tavern on property located at the northeast corner of Westcliff Drive and Durango Drive. The Board of Zoning Adjustment and staff recommended approval of this request.
03/19/08	The City Council approved a Special Use Permit (SUP-25955) for a Package Liquor Off-Sale Establishment in conjunction with an existing Convenience Store at 8490 Westcliff Drive. The Planning Commission and staff recommended approval of this request.
04/09/09	The Planning Commission recommended denial of companion items GPA-33542, ZON-33543 and SDR-33546 concurrently with this application.  The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #28/dc).
<b><i>Related Building Permits/Business Licenses</i></b>	
08/15/97	A building permit (#97016880) was issued for a new building certificate of occupancy at 8490 Westcliff Drive. The permit received final approval 03/31/98.
08/15/97	A building permit (#97016881) was issued for onsite improvements at 8490 Westcliff Drive. The permit received final approval 03/05/98.
12/22/97	A building permit (#97025190) was issued for a new commercial building at 8490 Westcliff Drive. The permit received final approval 02/10/98.
01/21/98	A building permit (#98001099) was issued for exterior wall signage at 8490 Westcliff Drive. The permit received final approval 03/03/98.
03/24/98	A building permit (#98006012) was issued for a sign at 8490 Westcliff Drive. The permit expired 03/11/00 without receiving final approval.
04/23/99	A building permit (#99007845) was issued for a 6.25 square-foot exterior wall sign at 8490 Westcliff Drive. The permit received final approval 02/23/00.
06/12/02	A building permit (#02010547) was issued for a channel letter wall sign and light band at 8490 Westcliff Drive. The permit expired 12/14/02 without receiving final approval.

07/31/02	A building permit (#02013792) was issued for a tenant improvement remodel at 8490 Westcliff Drive. The permit received final approval 09/25/02.
05/20/03	A building permit (#03010225) was issued for a sign at 8490 Westcliff Drive. The permit received final approval on 08/22/03.
05/21/03	A building permit (#03010265) was issued for a water kiosk at 8490 Westcliff Drive. The permit received final approval on 10/09/03.
12/09/03	A business license (#P35-00642) was issued for a pay phone location at 8490 Westcliff Drive. The license is currently active.
10/19/05	A building permit (#05007416) was issued for a kitchen remodel at 8490 Westcliff Drive. The permit received final approval on 01/27/06.
09/26/06	A building permit (#06006102) was issued for a sign at 8490 Westcliff Drive. The permit expired 03/31/07 without receiving final approval.
10/05/06	A building permit (#06006269) was issued for a sign at 8490 Westcliff Drive. Final approval of this permit was rejected 04/02/07 and the permit subsequently expired 09/29/07.
10/05/06	A business license (#L10-00264) was issued for beer/wine/cooler off-sale at 8490 Westcliff Drive. The license was marked out 03/20/08.
10/24/06	A business license (#G01-02269) was issued for restricted gaming at 8490 Westcliff Drive. The license is currently active.
11/07/06	A business license (#C15-00312) was issued for a convenience store/deli at 8490 Westcliff Drive. The license is currently active.
11/20/06	A business license (#C05-02255) was issued for retail tobacco sales at 8490 Westcliff Drive. The license is currently active.
05/24/07	A building permit (#07001743) was issued for a sign at 8490 Westcliff Drive. The permit received final approval 09/20/07.
03/26/08	A business license (#L15-00141) was issued for package liquor sales at 8490 Westcliff Drive. The license is currently active.
04/19/08	A business license (#C08-01795) was issued for amusement machines at 8490 Westcliff Drive. The license is currently active.
05/22/08	A building permit (#08000183) was issued for a sign at 8490 Westcliff Drive. The permit received final approval 08/12/08.
08/06/08	A business license (#R07-00831) was issued for a restaurant at 8490 Westcliff Drive. The license is currently active.
01/08/08	A Code Enforcement complaint (#70530) was processed for signage on city property. The case was resolved 10/10/08.
<b><i>Pre-Application Meeting</i></b>	
02/04/09	A pre-application meeting was held with the applicant where the submittal requirements of a General Plan Amendment, Rezoning, Special Use Permit and a Site Development Plan Review were discussed.

<b><i>Neighborhood Meeting</i></b>	
03/10/09	A neighborhood meeting was held on Tuesday March 10, 2009 at 5:30pm at the La Petite Academy, Training Room, located at 8451 Boseck Drive, Las Vegas, Nevada 89145. There was one representative of the applicant and one member of the Planning and Development Department in attendance at the meeting. There were no members of the general public present. The meeting was called to an end at 6:00 PM.
<b><i>Field Check</i></b>	
03/05/09	A field check was conducted by staff at the subject site. The subject property contained an existing Convenience Store with Fuel Pumps and a Restaurant within a single building. While the site was generally clean, staff noted that the window signage exceeded the 25% coverage permitted by Title 19.14, and the total area of wall signage exceeded the 20% maximum permitted by Title 19.14. In addition, a non-permitted wooden sign was noted at the northwest corner of the site fronting Durango Drive, the trash enclosure was missing the required screening gate, along with four rental trucks and two rental trailers parked on site.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.87

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Convenience Store and Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
North	Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single-Family Residences	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
West	Golf Course and Detention Basin [Approved Park and Ride Facility (SDR-26815) and Community Recreational Facility (SDR-27898)]	PR-OS (Parks/Recreation/ Open Space)	C-V (Civic)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Convenience Store	2,746 SF	One space / 250 SF*	11		11		
Restaurant, Less than 2,000 SF (without Drive-Through)	605 SF	One space/50 SF of public seating and waiting area, plus one space/200 SF remaining GFA, with a min. of 10 spaces req'd	10		10		
Truck Rental	247 SF	One space for each rental vehicle, plus one space for each 250 SF of GFA	1		7		
SubTotal			20	1	27	1	
TOTAL			22		28		Y
Loading Spaces			1		1		Y

\* Current Title 19.04 parking requirements for a Convenience Store use requires one parking space per 175 square feet; however, pursuant to Title 19.10.10(C)(1), "For any change of use that requires an increase in the number of required parking spaces, only the increased number of parking spaces shall be required." As no increase in the square-footage of the Convenience Store use will take place as part of this review, the subject property will not be required to conform to the current Convenience Store parking requirements.

## ANALYSIS

This is a request for a Special Use Permit for a Truck Rental establishment on 0.87 acres at 8490 Westcliff Drive. The subject property contains an existing Restaurant and Convenience Store within a single 3,598 square-foot building. The applicant is proposing to add a 247-square foot Truck Rental establishment within the existing square-footage of the building. In order to facilitate the Truck Rental establishment, the applicant has also submitted applications for a General Plan Amendment (GPA-33542) to change the General Plan designation from SC (Service Commercial) to GC (General Commercial) and a Rezoning (ZON-33543) from C-1 (Limited Commercial) zone to C-2 (General Commercial) zone, as a Truck Rental establishment is not a permissible use under the current zoning of C-1 (Limited Commercial) and current General Plan designation of SC (Service Commercial).

Additionally, the subject property in its current configuration provides 22 parking spaces where 22 spaces are required for an existing 2,993 square-foot Convenience Store and a 605 square-foot Restaurant. The applicant has submitted a Major Amendment (SDR-33546) to an approved Site Development Plan Review (Z-0110-90) to eliminate required landscape and to add truck storage. This will place an additional six parking spaces on the subject property for a total of 28 parking spaces, and locate a 247-square-foot Truck Rental establishment within a portion of the Convenience Store. By removing 247 square feet from the Convenience Store use, the required Convenience Store parking will be reduced from 12 parking spaces to 11 parking spaces, effectively providing seven parking spaces for the Truck Rental use. Of those seven parking spaces provided, one parking space will function as the minimum required customer parking for the Truck Rental use, while the remaining six will be provided for the storage of rental trucks. A condition has been added limiting the storage to a maximum of six rental trucks or trailers to be parked on the subject property at any time.

The addition of a Truck Rental establishment to an existing Convenience Store and Restaurant will create an overbuilt site within an existing property already containing high-traffic and heavy volume uses. Altering the existing zoning and General Plan designations to facilitate the Truck Rental use will create a land use pattern that is inconsistent with the surrounding zoning districts, indicating that the subject site is not an appropriate location for the proposed use; therefore, staff recommends denial of this request.



- **Zoning**

The subject site is located in the Southwest Sector of the General Plan and has a current General Plan designation of SC (Service Commercial). A General Plan Amendment (GPA-33542) to change the designation to GC (General Commercial) has been submitted along with the Rezoning request. The General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow Mixed-Use development with a residential component where appropriate.

A companion application to Rezone (ZON-33543) the site from the C-1 (Limited Commercial) district to the C-2 (General Commercial) district has also been submitted by the applicant. The proposed C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the General Commercial category of the General Plan.

With the approval of the proposed Rezoning (ZON-33543) to the C-2 (General Commercial) zoning district and the General Plan Amendment (GPA-33542) to the GC (General Commercial) land use designation, the proposed Truck Rental establishment will be permissible with the approval this Special Use Permit.

- **Use**

A Truck Rental establishment is defined by Title 19.04 as a facility for the rental of new or used trucks. Trucks kept on a lot for rental purposes are not considered to be outside storage.

- **Minimum Special Use Permit Requirements**

There are no Title 19.04 Minimum Special Use Permit Requirements for a Truck Rental establishment.



## FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use may be permitted by this Special Use Permit only in conjunction with the approval of a proposed General Plan Amendment (GPA-33542) to the GC (General Commercial) land use designation and a Rezoning (ZON-33543) to the C-2 (General Commercial) zoning district. These approvals would allow land uses, including the proposed use, that are not compatible with the less-intense uses permitted by the surrounding SC (Service Commercial) land use designations and C-1 (Limited Commercial) zoning districts.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is not physically suitable for the type and intensity of land use proposed as the existing zoning and General Plan land use designation does not allow for the proposed use. Altering the existing zoning and General Plan designations to facilitate the Truck Rental use will create a land use pattern that is inconsistent with the surrounding zoning districts while the Major Amendment (SDR-33546) to an approved Site Development Plan Review (Z-0110-90) reduces an already limited amount of landscaping, indicating that the subject site is not an appropriate location for the proposed use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the site is provided by Westcliff Drive and Durango Drive, both 100-foot Primary Arterials as designated by the Master Plan of Streets and Highways. The existing street facilities are adequate in size to meet the requirements of the proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

With the approval of the General Plan Amendment (GPA-33542) to the GC (General Commercial) land use designation, the proposed Truck Rental establishment will be consistent with the General Plan with the approval of this Special Use Permit (SUP-33544).

**5. The use meets all of the applicable conditions per Title 19.04.**

The proposed development is consistent with the requirements of LVMC Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

**ASSEMBLY DISTRICT**      34

**SENATE DISTRICT**      8

**NOTICES MAILED**      288 by City Clerk

**APPROVALS**      2

**PROTESTS**      8